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12 Attorneys for Defendants
13 CLEMENTE HEREDIA dba
CARMELITA'S MEXICAN RESTAURANT and
ROSALBA HEREDIA dba
CARMELITA'S MEXICAN RESTAURANT

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

17 LAUREL ASHLEY,

18 Plaintiff,

19 v.

20 CLEMENTE HEREDIA dba
21 CARMELITA'S MEXICAN
RESTAURANT;
22 ROSALBA HEREDIA dba
CARMELITA'S MEXICAN
RESTAURANT,

23 Defendants.

CASE NO. 2:23-cv-01345-JAM-AC
Civil Rights

**STIPULATION AND ORDER TO FILE
FIRST AMENDED COMPLAINT**

STIPULATION

25 Plaintiff LAUREL ASHLEY and Defendants CLEMENTE HEREDIA dba
26 CARMELITA'S MEXICAN RESTAURANT and ROSALBA HEREDIA dba CARMELITA'S
27 MEXICAN RESTAURANT by and through their respective attorneys, hereby jointly stipulate
28

1 and respectfully request that the Court order that Plaintiff be allowed to file the First Amended
2 Complaint attached hereto as Exhibit 1. This request is based on the following good cause:

3 1. Defendants have informed Plaintiff that she failed to name an indispensable party
4 in this matter, and the Parties have agreed that Plaintiff will file an amended
5 Complaint to add a third Defendant, the owner of the property at issue in this
6 matter.

7 2. Defendants have also informed Plaintiff that the two parties she did name as
8 Defendants are not the actual owners of the property at issue in this matter. The
9 Parties have agreed that once Plaintiff files the proposed amended complaint,
10 Plaintiff will dismiss Defendants Clemente and Rosalba Heredia from this matter
11 without prejudice.

12 3. The Parties believe that amending the Complaint at this juncture will assist them in
13 minimizing litigation and allow a quicker resolution of matter.

14 Based on the foregoing, the parties jointly stipulate and request that the Court order
15 Plaintiff to file the First Amended Complaint attached as Exhibit 1.

16 **IT IS SO STIPULATED.**

17 Date: September 11, 2023

REIN & CLEFTON

19 _____
19 By AARON M. CLEFTON, Esq.
20 Attorney for Plaintiff
20 LAUREL ASHLEY

22 Date: September 9, 2023

JACKSON LEWIS P.C.

23 _____
23 By ERIKA M. BARBARA, Esq.
24 EVAN M. McBRIDE, Esq.
24 Attorney for Defendants
25 CLEMENTE HEREDIA dba
25 CARMELITA'S MEXICAN
26 RESTAURANT and
26 ROSALBA HEREDIA dba CARMELITA'S
27 MEXICAN RESTAURANT

ORDER

GOOD CAUSE BEING SHOWN, it is so ORDERED. Plaintiff will file the First Amended Complaint no later than one (1) week after the date of this Order.

Dated: September 14, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE